

## CIVIL COVER SHEET

County in which action arose: Oakland

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

HANTZ SOFTWARE, LLC, a Michigan limited liability company

(b) County of Residence of First Listed Plaintiff Oakland  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

David J. Shea - SHEA AIELLO, PLLC  
26100 Amerian Drive, 2nd Floor  
Southfield, Michigan 48034 248-354-0224

## DEFENDANTS

SAGE SOFTWARE, INC., a Virginia corporation

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §1331 and 28 U.S.C. §1338(a)

Brief description of cause:

Patent Infringement

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

May 31, 2018

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HANTZ SOFTWARE, LLC, a Michigan  
limited liability company

Plaintiff

v.

SAGE SOFTWARE, INC., a Virginia  
corporation

Defendant.

Case No.:

Honorable

Magistrate Judge

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Hantz Software, LLC (“HANTZ”) complains and alleges against Defendant, Sage Software, Inc. (“SAGE”) as follows:

### **NATURE OF THE ACTION**

1. This is a civil action arising under the Patent Laws of the United States, Title 35, United States Code, for patent infringement of U.S. Patent No. 8,150,745 (“the ‘745 patent”) under 35 U.S.C. §271 and other provisions of the U.S. Patent Act, 35 U.S.C. §101 et seq.

2. The ‘745 patent was issued by the U.S. Patent & Trademark Office (PTO) on April 3, 2012, based on a regular utility patent application filed on August 3, 2009 and a provisional patent application filed on August 1, 2008 for a Multi-Company Business Accounting System And Method For Same Including Journals.

### **THE PARTIES**

3. Plaintiff, Hantz Software, LLC (“HANTZ”), is a Michigan limited liability company with its principal place of business at 26200 American Drive, 5<sup>th</sup> Floor, Southfield, Michigan 48034, is a provider and seller of multiple company accounting software and systems, and is the owner of all, right, title, and interest in and to the ‘745 patent shown at Exhibit A hereto based upon filings and records before the U.S. Patent & Trademark Office (“PTO”).

4. HANTZ is a single-member limited liability company. Hantz Group, Inc., a Michigan corporation in good standing, is the sole member of HANTZ with its principal place of business in Oakland County, Michigan.

5. On information and belief, Defendant, Sage Software, Inc. (“SAGE”), is a Virginia corporation with a principal place of business located at 271 17<sup>th</sup> Street NW, Suite 1100, Atlanta, Georgia 30363 and is a provider and seller of multiple company accounting software and systems.

**JURISDICTION, VENUE, AND PROCEDURAL MATTERS**

6. This action arises under the Patent Laws of the United States of America, Title 35 of the United States Code (35 U.S.C. §101 et seq.). This Court has exclusive jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1331 (federal question) and 28 U.S.C. §1338(a) (any Act of Congress relating to patents or trademarks).

7. This Court has personal jurisdiction over SAGE because, upon information and belief, SAGE has made continuous and systematic contacts with the State of Michigan, and particularly because SAGE has committed and continues to commit acts of infringement in violation of 35 U.S.C. §271 within the Eastern District of Michigan and placing infringing products into the stream of commerce, with the knowledge or understanding that such products are sold or used in the State of Michigan, including within this judicial District. The acts by SAGE cause injury to HANTZ within this judicial District.

8. Venue is proper in this District under 28 U.S.C. §1391(b) and (c) because a substantial part of the events or omissions giving rise to this action have occurred and/or will occur within this District and because SAGE transacts



business within this District and offers for sale in this District products that infringe the ‘745 patent.

### **BACKGROUND**

9. HANTZ was founded in Michigan by leaders in the business and computer software industry to develop and provide multiple company accounting software products, platforms, systems, and solutions to manage, service, and track a wide array of financial data and information, including the “journalizing” of financial information. HANTZ provides professional services, proprietary products, and patented software solutions to its customers, such as the ‘745 patent directed to a Multi-Company Business Accounting System And Method For Same Including Journals for its customers and clients located throughout the United States.

10. HANTZ is the legal assignee and owner of all, right, title, and interest in and to the ‘745 patent shown at Exhibit A hereto based upon filings and records before the U.S. Patent & Trademark Office (PTO) and has invested significant resources in the creation, development and protection of this patented computer implemented method and medium.

11. Due to the superior performance of the HANTZ deliverables, methods, and products comprising the ‘745 patent, HANTZ has attracted attention from many customers and has met with unexpected success.

12. Rather than innovate and develop its own methodologies, computerized systems, and/or technologies, on information and belief, SAGE has chosen to copy HANTZ’s patented computer-implemented methods and computer-

implemented storage mediums set forth in the ‘745 patent by adopting, offering, and selling its own Multiple Company Accounting Software products and systems in violation of at least the ‘745 patent.

13. SAGE’S infringement of the ‘745 patent provides SAGE with unique benefit and functionality for its products that is the result of HANTZ’s innovation, not that of SAGE. SAGE has not obtained permission from HANTZ to use any aspect of the patented HANTZ invention set forth in at least the ‘745 patent.

## **COUNT I**

### **Infringement Of The ‘745 Patent**

14. HANTZ re-alleges and incorporates by reference the allegations in paragraphs 1 to 12.

15. This claim arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq. and the ‘745 patent which is issued, valid, and in force before the U.S. Patent & Trademark Office.

16. SAGE has infringed and continues to infringe, directly and indirectly through contributory and/or induced infringement, one or more claims of the ‘745 patent by using, selling and/or offering to sell in the United States and/or importing into the United States, one or more multiple company accounting software products, platforms, and/or systems. SAGE’s activities violate 35 U.S.C. §271.

17. HANTZ is informed and believes, and on that basis alleges, that SAGE’s infringement of the ‘745 patent has been and continues to be intentional, willful, and without regards to HANTZ’s rights.

18. HANTZ is informed and believes and on that basis alleges, that SAGE has gained profits by virtue of its infringement of the ‘745 patent.

19. By reason of the foregoing, HANTZ has sustained damages as a direct and proximate result of SAGE's infringement of the '745 patent.

20. HANTZ will suffer and is suffering irreparable harm from SAGE's infringement of the '745 patent. HANTZ has no adequate remedy at law and is entitled to an injunction against SAGE's continuing infringement of the '745 patent. Unless enjoined, SAGE will continue its infringing conduct.

### **PRAYER FOR RELIEF**

HANTZ requests that the Court enter judgment in its favor and against SAGE and provide HANTZ relief at least as follows:

1. A judgment that the asserted '745 patent is valid and enforceable;
2. A judgment that SAGE has infringes, contributorily infringed, and/or induced infringement of one or more of the claims of the '745 patent;
3. An order and judgment preliminarily and permanently enjoining SAGE and its officers, directors, agents, servants, employees, affiliates, attorneys, and all others acting in privity or concert with them, and their parents, subsidiaries, divisions, successors and assigns from further acts of infringement of the asserted '745 patent;
4. A judgment awarding HANTZ all damages adequate to compensate for SAGE'S infringement of HANTZ'S asserted '745 patent, and in no event less than a reasonable royalty for SAGE'S acts of infringement, including all



pre-judgment and post-judgment interest at the maximum rate permitted by law;

5. A judgment awarding HANTZ all damages, including treble damages, based on any infringement found to be willful, pursuant to 35 U.S.C. §284, together with prejudgment interest;
6. A judgment awarding HANTZ all of SAGE'S profits, pursuant to 35 U.S.C. §289 together with prejudgment interest;
7. Actual damages suffered by HANTZ as a result of SAGE'S unlawful conduct, in an amount to be proven at trial, as well as prejudgment interest authorized by law;
8. A judgment that this is an exceptional case and an award to Apple of its costs and reasonable attorneys' fees incurred in this action pursuant to 35 U.S.C. §285; and
9. Such other relief as this Court deems just and proper.

#### JURY DEMAND

Plaintiff demands a trial by jury on issues so triable.

Dated: May 31, 2018

/s/ David J. Shea  
David J. Shea (P41399)  
SHEA AIELLO PLLC  
26100 American Drive #2  
Southfield, Michigan 48034  
Telephone: (248) 354-0224  
E-mail: [david.shea@sadplaw.com](mailto:david.shea@sadplaw.com)

Dated: May 31, 2018

/s/ Jeffrey P. Thennisch

Jeffrey P. Thennisch (P51499)  
LORENZ & KOPF LLP  
1050 Wilshire Drive, Suite 230  
Troy, Michigan 48084  
Telephone: (480) 361-0473  
E-mail: [jeff@lkglobal.com](mailto:jeff@lkglobal.com)

*Attorneys for Plaintiff*